G R S [IX-5]

Previous references

1918.
(Mc)

File No 52-18
Serial Nos. 6 58

Later references
Mc 58-32-55 + 58
" 110-44-30, 31

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 6 58

Part B for March 1920

SUBJECT.

Rules & Bye-laws under Mc Regulation of 1906

No. & Date Number 57-D 958 4/19-3-20
Sanctions the Bye-laws re Sanitation
Director of States that the bye-laws forwarded may be approved until rel. Regn is amended

Receive
22/3/20

W D 1250—GFE—30,000 25-1 19

G. R. S. III—1] 1918-19

GENERAL AND REVENUE SECRETARIAT

(Rul.)

NOTES

File No 52-18

FILE HEADING

Rules and Bye-laws under the Municl Regulation of 1906.

From

The Dy Comm.r Jullundur Divn.

No. Rul e 108/18-19 Dated 26.3.19 Received 31/3/19

Diary No 13054	Enclos	Spare Copies	Serial No

BRIEF ABSTRACT OF LETTER

Submits for sanction draft bye-laws framed by the Jullundur town municl Comm.e under Section 48 of the Municl Regn relating to (1) Sanitation (2) building & other structures & (3) others

NOTES AND ORDERS

The Dy Comm.r has clubbed the three different bye-laws under one covering letter instead of forwarding each bye-law with a separate covering letter as required by Standing orders.

2 From the Dy Comm.r's letter it is

NOTES—First Sheet

13058

G R S III-2]

General and Revenue Secretariat | Fl'c No 52 of 1914

Serial No

test clear whether ~~public~~ objections or suggestions from the public on the draft bye-laws were called for. Under Section 48(2) of the Local Regulations, as copies of the notice published and of the objection or suggestion so made do not accompany the papers under disposal as required by clause (3) of the aforesaid Section

3 Draft pointing out the above defects to the Dy Comm^r, is submitted for approval or other orders.

Sd/
30/5/19

No the draft is not necessary - Examine the bylaws & ~~sanction~~ Submit we may sanction such of them as are quite unobjectionable The defects in other cases may be corrected & ~~public~~ opinion called for if necessary - Early please

MK
31/5/19

Submitted

The following points may call for notice -

The distance indicated by the words "in the vicinity of" occurring in the 1st and 2nd lines of Rule 7 of the draft bylaws framed under Section 48(2a) of the Act is indefinite and vague

For the words 'erected by them" occurring in 5th line of Rule 9, it is better to

NOTE—Contn sheet

13056 3

G R S. III-2j

General and Revenue Secretariat | 2nd File No. 57 of 1918

Serial No.	
	must "served on him". It seems also necessary to fix the limit of time within which, after service of notice, the dung to should be removed 6 The other portions of the bye laws seem to be unobjectionable 7 The copy of the resolution of the Govt. of approval of these bye laws, is not accompanying the P.U.D may be marked to be forwarded Submitted for orders. 14/6/19 Please put up for reference such and bye laws of other notes in this matter very early 16/6/19
H	Rules and Bye laws of the Bangalore City Municipality, Building bye laws of the Davanagere and Shimoga towns and octroi bye laws of Harihar & Shimoga towns, have been put up Submitted 21/6/19 I have examined these bye laws and the points to be upon which notice are mentioned hereunder — octroi Bye laws. — Attention is invited bye laws 11, 12 & 13. These contain

sheet

G R S III-2)

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penal provision, which the Municipal is empowered to enforce. This seems to be all the cases - Bye laws under sec 98 (K) Can only be framed to regulate the System of refuse, privy or other hunts, etc. As regards Erection of other duty sec 72 (a) provides for it - The penalty is to be recovered by prosecution before a magistrate. The Municipality may not Exercise this right - the Govt advocate may be consulted on this point -

10) Sanitation Byelaws Attention is invited to byelaws numbers 6 & 10 - The legality of no 6 and the practicability of no (10) require scrutiny - No 6 is rather drastic and no 10 can only be enforced if an Effective System of daily conservancy is in force in the town Building Byelaws -

12) Time limit is imposed in these byelaws for the completion of buildings - This is beyond the scope of the present Report - Byelaws can be framed only for certain purposes named in Clauses (k) & (l) of Sec 98. They cannot restrict the liberties of individuals when there is no provision for the same in the Report &c)

G R. S III-2

13055

5

General and Revenue Secretariat | File No | of 191

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The provisions contained in page 2 & 3 of the bylaws are beyond the scope of the Act—

13) May the Govt advocate be consulted (third mention) 14) By Mr Mc 3/6/19

5441 26.6.19

Mr Mc 20/6

8.93

15) Forwarded with compliments to the Govt. advocate for favour of opinion

Yr.O. 1 of 19-20 2-7-19

Yr Mc 3/6/19

O No 23 19-20 Octroi Bylaws.

16) Sub clause (K) of section 48 of the Municipal Regulation provides for bylaws being made on only certain matters specifically referred to therein. The draft bylaws proposed appears to traverse beyond the limits prescribed which are briefly referred to hereunder:—

Bylaw (2) Clause (K) does not reserve power to levy such taxes upon the rights of the public; the "limits" referred to therein do not mean the area within which Octroi is made payable nor does it appear

Copies sheet

(6

Serial No

appear to be any power to control the routes.

(4) The latter part of this bye-law does not come under this clause (k) but comes appropriately under clause (j) of section 48

(5) This bye-law cannot be framed under (k) but is also ultra vires under section 76 (1) (b)

(7) Do - as above comes under 76(1)(b)

(8) } Come more appropriately
(9) } under section (48) (j)

(11) This bye-law is unnecessary the authority is to be conferred under section 76 (1). The latter part of this bye-law partakes more of the nature of official instructions to Municipal Officers than of a bye-law

(12) Cannot be framed under this clause. Such contraventions are provided against in sections 77(1) and 77A.

(13) This also cannot be framed. Section 77(2) makes ample provision for attaining the object and

NOTE—Contn sheet

(7)

Serial No

and section 77 A(2) keeps down further safeguards, and provision & procedure for sale is made in section 79.

(14) and (15) are also similarly provided in section 79.

(17) In regard to Refunds the provision made is only formal and nominal. No period of limitation, after which claims for Refund shall not be entertained, is fixed as contemplated by clause (k).

(20) This comes more appropriately under clause (j) ~~& not~~ under (k).

17) In Schedule B the rates at which Octroi is leviable are mentioned. This clause (k) does not reserve any such power for fixing rates; it provides only for making rules for effecting & exhibiting the tables. The form may, of course, be prescribed in the Schedule

19) To obviate the difficulties pointed out in regard to legal

NOTE—Contn sheet

Serial No

(4), (8), (9) and 20 etc the heading may be amended by saying that the rules are framed under clauses (j) and (k) of section 48.

(7) In the place of bye-law (12) a general bye-law prescribing a fine for the infringement of any of the bye-laws (mentioning their numbers - as there are some of the nature of nuisance only) may be added at the end.

(9) Bye-laws relating to Sanitation & Conservancy

(6) appears to be very drastic and is likely to lead to great difficulties in practice. Part - clause "the parents" or "suffers any member of his family or household etc" appearing in 2 different places is clearly illegal.

(8) The legality of this bye-law is open to question, as this has no direct bearing on the questions referred to in the Resolution.

(10) This can reasonably be enforced only in up-to-date Municipal. The compound offences of [illegible]

NOTE—Contn sheet

Serial No

bye laws (7) & (10) is likely to work hard on poor people who cannot afford to have such facilities. This will have to be amended having regard to local conditions.

(12) This cannot be framed under clause (2).

(2) Bye laws relating to construction of buildings

On page (2) the words "mangalore pattern" may be omitted as also the subsequent proviso- "Should the means ... tiles for roofing." The object of putting in this proviso is gained by omitting "Mangalore pattern" The wording "over crowding of sites" will have to be modified

On page 4 - the provision "and it shall be open to the Municipal Council to remove the site etc... cannot be put in as no such power is reserved by the section.

The time limit fixed for the construction of buildings cannot also, in my opinion, be put in under this Clause

W Thambe
Govt Advocate
13-9-19

NOTE—Contn sheet

G R S III 2]

General and Revenue Secretariat | Mul File No 52 of 1919

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Submitted with a draft for appl or other orders

MGH
30-9

With reference to the notes of the Govt Advocate on Bye Laws relating to Sanitation it is respectfully pointed out that Nos 9 and 12 are in conformity with those contained in the Mysore Municipal (Vide Nos 739 of the Mysore City Mul bye laws just rcd)

With re Bye Laws relating to Buildings and other structures the term limit for the licence granted has been fixed (Vide Bye Laws No XVI of the same bye laws re Buildings etc)

With re the Bye Laws relating to octroi Nos 2, 4, 5, 7, 8, 9, 12, 13, 15, 17, and 18 are in conformity with the Mysore City Mul Bye laws and No 11 is in accord with the Bye laws of the Bangalore City Mul el (Vide No 4) As there are no material deviations the octroi Bye Laws may be sanctioned

Resubmitted with two drafts for appl or orders

MGH
13-10

Mul
14/10

may the octroi bye laws be now sanctioned - as may the water & sanitation pending completion of the sanitation & Building bye laws

NOTE—Contn sheet

WD A 1789—GPE—60 000—20-8 '18—S.

(14

R. S III 2]

General and Revenue Secretariat | Rel File No. 52 of 1917

Serial No

The draft bylaws may be returned for revision in the light of the remarks of the Govt advocate or the octroi bylaws may be sanctioned with such of the modifications as are necessary in the light of the Govt. advocate's opinion. The octroi bylaws ~~Most of them~~ Some of them no doubt may be ~~unnecessary~~ superfluous under the section in question, but for the sake of clearness, there does not appear to be anything wrong or illegal therein & stands. It will be seen that sec 76(k) itself contemplates the passing of bylaws under sec 68(k) when there is no, why the bylaws should not be quite clear though Somewhat redundant is not understood. Sec 76(k) only lays down the general principle and it is for the bylaws to chalk how these principle will be given effect to in a particular locality. Since similar octroi bylaws have been sanctioned for other places, the bylaws proposed may be allowed to remain both but under the clause (2) 4(k) as suggested by the Govt advocate

In his [illegible] the bylaws as published in pursuance of accordance kept by [illegible] Govt.

MK 4/12/17

The remaining bylaws may be returned for further consideration

MS 7/12/17

Secretary)

The rules & bye laws under which are well drafted & are enhancement. The usual unusual remarks in pencil on the draft & renumbered. The bye laws for the

NOTE—Contn sheet

WD A 1789/—GPB—60 000—20 3 18—S.

B 156 13

G R. S III-2]

General and Revenue Secretariat. | Mil File No. 5-2 of 191 8

Serial No.	
8	To Mil Secy. Ce Number 2851 (with this draft Bylaw) No 10938 dy 19-3-20 Sanctions the bye laws re to Sanitation and Octroi and States the bye laws for the building may be deferred until the mil Regn is amended
B	

NOTE—Contn. sheet.

Rl 52-18-6

I

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur, the 28th March 1919.

From

A. Subramanya Iyer, Esqr., B.A.,

Deputy Commissioner,

Tumkur District

To

B. Ramaswamaiya, Esqr., B.A., B.L.,

Secretary to the Government of His Highness the

Maharaja of Mysore, Revenue Department,

Bangalore

S i r,

I have the honour to forward herewith Bye-laws framed by the Tumkur Town Municipal Council as per provision of section 48 of the Municipal Regulation, relating to (1) Sanitation (2) building and other structures and (3) Octroi and to request that sanction of the Government may kindly be accorded for introducing the same into this Municipality.

A copy of the resolution of the Municipal Council approving the said Bye-laws is herewith forwarded.

I have the honour to be,

S i r,

Your most obedient servant,

Deputy Commissioner,

Tumkur District

T.K.N

From 6497

The Deputy Commissioner,

Tumkur District.

To

The Secretary to Government,

Revenue Department, Bangalore.

Dated 28th March 1919

Despatched

Received 3 June 1919

General No M C 198 13-19

Enclosure No.3

Forwards for sanction Bye-laws framed by the Tumkur Town Municipal Council as per provision of section 48 of the Municipal Regulation.

Draft Bye-laws regulating Buildings and other structures framed under section 48 (1) clauses (n) and (p) of the Municipal Regulation of 1906

1. Every person intending to erect or re-erect or repair any building or part of any building by external alteration within the meaning of sections 92 to 96 of Mysore Municipal Regulation in the Town of Tumkur, shall apply to the President or Vice President, for a license.

2 Such applications shall be accompanied with the site plan of the land on which the building is proposed to be erected together with the plan of the building in duplicate showing:—

(a) The position of the building and the out-houses to be erected

(b) The area to be occupied by the building and out-houses

3. No pits shall be excavated in the sites alloted for the building of houses

4 No building sites shall be surrounded by a hedge of lantana, aloe, prickly pear, or other objectionable plant

No new building shall be erected by a person, the foundation of the wall of which along the road is less than 1½ feet from the side drain

No sun-shades for shops, either temporary or permanent, shall be erected beyond the outer edge of the side drains of the road

The main building should be constructed with a basement of not less than two feet high from the road level Flooring should be of kadapa stones or Mangalore pattern tiles or concrete or mortar

The roofing should be of Mangalore pattern tiles or terraced and there should be sufficient number of doors and windows of suitable dimensions to admit of free light and air

Should the means of persons not allow of using high class materials for construction, less costly materials may be used with contrary tiles for roofing

The main building should be put in hand within six months from the date on

on which the Muchalika has been exe-, cuted and the foundation shoud be brought to, the required height within another six months and the house together with out-houses should be completed with-in one year The council may for suff cient reasons extended this period from time to time

In regard to the sites already owned by persons, the time above prescribed for the commencement and completion of the buildings will be doubled and no further concession would be granted

Sufficient open space will be left all round the main building and the necessary out houses and latrines shall be constructed on such portions of the site as may be pointed out by the President or Vice President

The overcrowding of the sites will not be permitted unless with the permission of the President or Vice President, the buildings, out houses, and latrines already constructed as per license granted, should not be extended

extended and no new buildings should be constructed in the same site

Every person who shall commit any breach of any of the foregoing Bye-laws shall be punishable with fine which may extend to Rs 100/- on conviction before a Magistrate under section 96 clause (5) of the Municipal Regulation, and it shall be open to the Municipal Council to resume the site, upon a month's notic with all the constructions thereon and t to sell the site with the constructions and the materials by public action

The owner will be entitled to receive the realizations obtained by the sale of the constructions and materials minus the cost of the sale (if any)

He will not be entitled to complain that the relizations are disproportionate to the expenses incurred by him, and will not be entitled to receive back the value of the site paid by him to the Municipality

The Managing Committee with reasons to be recorded willbe at liberty

(19

liberty, to relax any of the above conditions provided that such relaxation does not interfere with the sprit of the conditions

President

NKM

Draft Bye-laws framed by the Tumkur Town Municipality under section 48 (n) of the Municipal Regulation

1. No dust, dirt, dung, ashes, garden kitchen or stable refuse or filth of any kind or any animal matter or any broken glass or earthern ware or other rubbish or anything that is, or that may be a nuisance shall be deposited in any street or drain except in the Municipal dust-bins provided for the purpose by the Municipal Council

2 ~~By-laws, garden sweepings, branches of trees, and thatch and night soil shall not be deposited in the Municipal bins~~

2 Sullage, urine etc shall be discharged only into the gutters of the conservancy lanes wherever such lanes are duly provided and not into the road side gutters streets, or open places and wherever there is no conservancy lane into which sullage urine etc could be discharged it should be discharged into

into the road side gutter with the permission of the President or Vice President

3 Any person who shall be guilty of a breach of any of the above bye-laws, shall on conviction, be liable to a fine not exceeding Rs 10/- (under section 127 of the Municipal Regulation)

4 No person shall dry any bratties or cow-dung cakes on the external walls of houses or compound walls

Any one infringing this bye-law shall on conviction before a Magistrate be liable to a fine not exceeding Rs 5/-

6 Whoever throws or puts or causes or suffers any member of his family or household to throw or put any night soil into a public street, sewer, drain culvert, tunnel, gutter or watercourse and whoever commits nuisance or suffers any member of his family to commit nuisance in any such public street, drain, culvert tunnel, or watercourse or in such close proximity thereto as to pollute the same shall on conviction before a Magi-

(22

Magistrate be punished with a fine which may extend to Rs 10/-

5 Any person easing himself (either in the vicinity of or) in the public roads lanes and drains or outside or any part of any public latrine other than in the opening set a part for the purpose, shall be liable on conviction before a Magistrate to a penalty not exceeding half a rupee for the first, one rupee for the second and two rupees for each succeeding offence.

8 Any person of one sex who shall wilfully intrude into any public latrine set a part for the use of the oppsite sex, shall be liable on conviction before any Magistrate to a penalty of Rs 5/- for the first and Rs 10/- for the second and each succeeding offence.

9 The storage of dung, ashes ect. for the purpose of manure for more than a week in back yards or vicinity of houses is prohibited, and any person who fails to remove the same after a notice issued to him to remove the same shall be

be liable on conviction before a Magis-
trate to a fine not exceeding Rs 5/-
for the first offence and Rs. 10/- for
the subsequent offences.

6 Every owner or occupier of a
house shall from one month from the
publication of these bye-laws close
all privy pits and introduce daily re-
moval system, providing a passage lead-
ing to the conservancy lanes or roads
or streets, wherever such facilities ex-
ist

Rather drastic - what abt. conveniences to daily removal?

no use unless legalised before approaching Labourers for latrines

Breach of these bye-laws will render
the offender liable on conviction to a
fine not exceeding Rs 5/- for the first
offence and to a fine not exceding Rs
10/- for each subsequent repetition of the offence

7 The growing of lantanas and prickly
pear and milk-hedge in the vicinity of
houses for the purpose of hedge is pro-
hibited, and if in special cases lanta-
na and milk-hedge are permitted to be
used for the purpose of a hedge ,
they shall always be kept trimmed and
shall not exceed to the hight of 3 feet

3 feet from the ground

Any infringement of the above bye-law will render the offender liable to a fine not exceeding Rs. 5/- for the first offence and Rs. 10/- for each subsequent repitition

12 Persons afflicted with loathsome or infectious disease are prohibited from vending or exposing for sale any articles of food in the bazaars of the Town Any infringment of this rule will render the person liable on conviction before a Magistrate to a fine not exceeding one rupee for the first and likesum for each succeeding offence

13 Prohibiting milchkine and slaughter cattle being fed on stable litter ect

The practice of feeding milchkine and slaughter cattle on stable litter and other refuse is strictly prohibited and any person residing within the Municipal limits who may transgress this rule will on conviction before a Magistrate subject himself to a fine of Rs 5/- for the first and Rs 10/- for each

each succeeding offence

9. All persons holding houses or land within the Municipal limits of the Town of Tumkur are required to keep all the drains and water channels in and about their premises free from obstruction

10. All persons who after due notice from the President or Vice President has been given, fail to comply with provisions of this bye-law, shall on conviction before a Magistrate subject themselves to a penalty not exceeding Rs 10/-

President

NKN.

Draft Bye-laws relating to the levy of Octroi duty on certain articles imported into the Tumkur Town Municipal Bity framed under section 48 (k) of the Municipal Regulation No 7 of ~~the~~ 1906

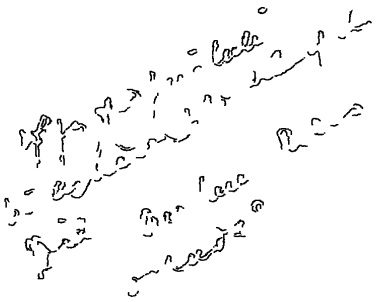
The octroi limits for ~~the~~ collecting octroi shall be, the Municipal limits of the Tumkur Town.

2 No articles liable to octroi shall be brought within these limits except by ~~the~~ Railway or one of the roads described in shedule "A" hereto annexed

3 The goods on which and the rates a which, octroi duty is leviable shall be entered in shedule "B" which shall be fixed in conspicuous place at the Municipal Office, and at the Railway barrier It shall be open to irspection of any person at the Municipal Office and the copies of the same shall be furnished to any person requiring the same free of ~~a~~ charge

4 All persons bringing into or receiving from beyond the octroi limits of the Town any such articles or any conveyance

conveyance or package containing such articles shall bring the same directly to the Municipal Office and subject the same to the inspection of the octroi Officer, and if imported by Railway shall give immediate intimation of the arrival of the articles at the station to the Revenue Inspector.



4. Along with the articles or conveyances or packages containing such articles the importer shall produce the original invoice received by him at the Municipal Office and shall declare whether they are intended,

(a) for consumption or sale within octroi limits

(b) For immediate export

(c) For temporary detention within octroi limits and eventual exports

5. If the goods are declared to be imported for consumption or sale within the octroi limits the Revenue Inspector shall enter the details in form No 38 of the Municipal Account Mannual

6 When goods are received by Railway

Railway the importer shall produce at the Municipal Office the pass or Railway receipt of goods consigned to him together with the invoice and in the absence of the latter with a written declaration of the details of the consignment. The receipt of the invoice or declaration shall be abstracted into the register to be kept in Form 34 of the account Mannual. The Railway receipt shall then be stamped and returned to the importer, to enable him to obtain the goods from the Railway station

When goods accompained with invoice and Railway receipt as aforesaid are brought to the Municipal Office, they may be unloaded, counted or measured by the Octroi Mutsaddy under the supervision of the Revenue Inspector. Upon ascertaining the amount of Octroi duty payable on the goods the importer shall either pay the amount on the goods or whole or portion of them be deposited in the Bonded warehouse or such other places as may be named for the purpose When the duty

duty is paid as above a receipt in Form No 32 shall be granted by the Revenue Inspector showing the details of the goods the amount of the duty paid in respect thereof, and the date of payment and the importer shall thereupon remove the goods from the Municipal Office

Provided also that in the case of imported by other goods this marking may in the same cleared only at the

If the duty to be paid on any one consignment exceeds Rs 5/- the Revenue Inspector shall assess and recover the amount due under the superintendence of the Vice President

7 In ~~the~~ case the importer, wishes to reexport the goods at once he shall do so only after obtaining a free pass in Form No 44 and subjecting the goods to the escort ~~of~~ of an Octroi subordinate upto the Municipal limits

8 If the importer fails to produce the original invoice or where it is found that the value given in the invoice is unduly low the Vice President with the help of one or two Municipal Councillors or respectable merchants of the Town value the goods to the best

best of the information available, and levy the octroi accordingly.

9. In special cases where Kerosine oil and timber imported in large quantities are received by the Railway and their removal to the Municipal Office is attended with serious inconvenience the Revenue Inspector will examine and assess them at the Railway station by request of the importer under the supervision of the Vice President

10. All Officers of the Municipal Department not below the rank of Inspectors are authorised under section 76 of the Municipal Regulation to inspect, the contents of any conveyance o packages suspected to contain dutiable articles and when the Inspector finds that the duty has not been paid on all the articles, or inadequetely paid he is authorised to take them to the Municipal Office and report the fact to the Vice President The Vice-President shall thereupon examine and assess the goods and collect the Octro

(31)

octroi duty at the authorised rate or at his descretion collect penal rates

11 Any person importing or exporting dutiable articles in contravention of the above bye-laws shall be liable to pay a penal rate not exceeding ten times the authorised rate

12 If the octroi duty at the authorised or penal rate, is not paid, the Revenue Inspector, shall sieze and detain the full or such portion of the goods as may be sufficient to meet the demand and grant the receipt showing the details of the articles so detained and report the same to the Vice President The Vice President shall issue a notice to the person from whose possession the articles were seized, stating that the said property will be sold if the amount due is not paid within ten days

13 If the amount due is tendered at any time before the date of the sale at the Municipal Office with the ~~expenses~~ expenses, if any, the Vice President shall forthwith release the property sei ed.

14 If no such tender is made the prope
perty will be sold and the proceeds of
such sale shall be applied in payment
of the amount due, and expenses, if any,
incidental to seizure and detention
The surplus if any shall be credited
to the Municipal deposit and may on the
application made to the Vice President
in writing within six months from the
date of the sale be paid to the person
in whose possession the property was
when seized and if no such application
is made within this time, the amount will be
credited to the Municipal funds

15 Cloths and other dutiable arti-
cles in small quantities brought with
personal luggage by travellers or re-
ceived through the Post Office or Rail-
way for bona-fide private use and not
for the purpose of sale shall be ex-
empt from the payment of Octroi duty

16 Refunds

On all articles on which octroi
duty has been paid and which are subse
quently exported beyond octroi limits

(33

limits refunds shall be ~~granted~~ at the rates originally charged at the time of import (as per rule No 152 of the Municipal Account Mannual)

Provided application for the same is made within 6 months from the date of export.

~~16.~~ **Bonded ware house.**

17 The Municipal Council shall provide a bonded ware house for the custody of goods which may be deposited under bye-law number 7

~~19.~~ 18 The bonded ware house shall be open for the transaction of business from 8 A M to 10 A M and from 3 P M to 6 P M daily except on sundays and other authorised holidays

19 ~~20~~ Any importer depositing goods in the bonded ware house shall unless the Revenue Inspector has ~~paid~~ previously by counting or appraising asscertained the amount of octroi payable theron give a declartion of the description, quantity and if necessary the value of such goods

20 ~~21~~ A receipt in form No 45 shall be given by the Revenue Inspector or Octroi Mutsaddy for all goods deposited in the bonded ware house and a register in form

34

form No. 46 shall be maintained by him showing the date of deposit the description of the goods deposited, the date of the removal of the goods with the export pass and the storage fees if any

~~22. A receipt in form No. 45 shall be given by the Revenue Inspector or Octroi Mutsuddy for all goods~~ Any person who has deposited in the bonded ware house, may break bulk or change the packing thereof on application to the Revenue Inspector or may on paying full duty thereon take such goods into his possession covered by a permit or may export such goods, free, covered by an export pass subject to the escort of an octroi subordinate, provided that new packages covered by such pass shall if possible and before they are taken from the ware house be stamped by the Revenue Inspector so as to show that they are under bond

If octroi is paid the permit will be issued in form No 32 in accordance with the procedure contained in rule No (113 of the Municipal Account Mannul)

(65

If the goods are to be exported an export pass will be issud in form No 44 and the procedure contained in rule No. 154 of the Municipal Account Mannual will be followed.

For every export pass granted under the above rule a fee of one anna shall be charged

No goods shall be allowed to leave the bonded ware house until storage fees have been paid thereon in accordance with the following rates -

1 Goods shall be allowed to remain for 24 hours free of charge

2 After that period, the following rates shall be charged for seven days

(1) Kerosine oil per case containing two tins per day 0-0-3

(2) Piece goods per bale, bundle, or case per day 0-0-6

or one anna per cent in the value of t goods whichever is grater

(3) Timber for every cubic foot per day 0-0-3

All goods remaining uncleared or un-

claimed for ~~than three months~~ shall be sold provided that before selling such goods, notice of the fact shall be served on the depositor or his authorised agent and shall also be posted for seven days at the bonded ware house and at the Municipal Office ~~provided further that the goods shall be sold earlier, when the storage fees are likely to be exceed their value~~

Must is likely to create the procedure very difficult & leaves the decision payable being indefinitely postponed

Here a discretion power - likely to be abused - may be reserved to the Vice-President in case of perishable goods or in case for example

The Muncipal Council shall provide a depot for temporary detention of timber within the octroi limits and eventual export or import after payment of duty

The above rules framed in respect of bonded ware house shall apply mutatis mutandis in respect of the storage of timber in the said depot

For want of accomodation or any other just & reasonable cause the Vice-President may permit the storage of kerosine oil and timber in any suitable place other than the bonded ware house or depot provided by the Muncipal Council.

President

Draft Bye-laws framed by the Tumkur Town Municipality under Section 48 (n) of the Municipal Regulation.

1. No dust, dirt, dung, ashes, garden kitchen or stable refuse or filth of any kind or any animal matter or any broken glass or earthern ware or other rubbish or anything that is, or that may be a nuisance shall be deposited in any street or drain except in the Municipal dust-bins provided for the purpose by the Municipal Council.

2. Sullage, urine etc shall be discharged only into the gutters of the conservancy lanes wherever such lanes are duly provided and not into the roadside gutters streets or open places and whenever there is no conservancy lane into which sullage urine etc could be discharged it should be discharged into the road side gutter ~~with the permission of the President or Vice President.~~

3 Any person who shall be guilty of a breach of any of the above bye-laws shall on conviction be liable to a fine not exceeding Rs.10/- (under Section 127 of the Municipal Regulation).

4. No person shall dry any brattice or cow-dung cakes on the external walls of houses or compound walls.

Any one infringing this bye-law shall on conviction before a Magistrate be liable to a fine not exceeding Rs.5/-.

5. Any person easing himself either in the vicinity of or in the public ~~road~~ street lanes -

lanes and drains or outside or in any -- part of any public latrine other than - in the opening set apart for the purpose shall be liable on conviction before a - Magistrate to a penalty not exceeding -- half a rupee for the first, one rupee -- for the second and two rupees for each - succeeding offence.

6. Every owner or occupier of a house - shall from one month from the publication of a notification by the MOH providing facilities for the daily removal system ~~of these bye-laws~~ close all privy pits -- and introduce ~~daily removal~~ unit system, providing a passage leading to the conservancy lanes or roads or streets, wherever such facilities exist.

Breach of these bye-laws will re... the offender liable on conviction to a - fine not exceeding Rs.5/- for the first - offence and to a fine not exceeding --- Rs.10/- for each subsequent repetition of the offence.

7. The growing of lantanas and prickly pear and milk-hedge in the vicinity - of houses for the purpose of hedge is prohibited, and if, in special cases lantana and milk-hedge are permitted to be used - for the purpose of a hedge, they shall - always be kept trimmed and shall not exceed the height of 3 feet from the -- ground.

Any infringement of the above bye-la... will render the offender liable on conviction to a fine not exceeding Rs.5/-

for --

(100

for the first offence and Rs.10/- for each subsequent repitition.

8. Persons afflicted with loathsome or infectious disease are prohibited - from vending or exposing for sale any articles of food in the bazaars of the Town.

Any infringment of this rule will - rendey the person liable on conviction before a Magistrate to a fine not exceed ing one rupee for the first and a likesum for each succeeding offence.

9. All persons holding houses or - lands within the Municipal limits of -- the Town of Tumkur are required to keep all the drains and water channels in and about their premises free from obstruc- tion.

10. All persons who after due notice from the President or Vice-President -- has been given, fail to comply with -- provisions of this bye-law, shall on -- conviction before a Magistrate subject themselves to a penalty not exceeding Rs.10.

President

for the first offence and Rs.10/- for each subsequent repitition.

8. Persons afflicted with loathesome or infectious disease are prohibited - from vending or exposing for sale any articles of food in the bazaars of the Town.

Any infringment of this rule will - render the person liable on conviction before a Magistrate to a fine not exceeding one rupee for the first and likesum for each succeeding offence.

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10. All persons who after due notice from the President or Vice-President -- has been given, fail to comply with -- provisions of this bye-law, shall on -- conviction before a Magistrate subject themselves to a penalty not exceeding Rs.10.

P r e s i d e n t.

(48

Draft Bye-laws relating to the levy of Octroi duty on certain articles imported into the Tumkur Town Municipality framed under Section 48 (k) of the Municipal -- Regulation No.7 of 1906.

The octroi limits for collecting octroi shall be the Municipal limits of the Tumkur Town.

2. The goods on which, and the rates at which octroi duty is leviable shall be entered in a table as per schedule "A" -- which shall be fixed in a conspicuous --- places at the Municipal Office, ~~and~~ at the Railway barrier, at the octroi. It shall be open to inspection of any person at these places and copies of the same shall be furnished to any person requiring the same free of -- charge.

3 All persons bringing into or receiving from beyond the octroi limits of the Town any such articles or any conveyance or package containing such articles shall bring the same directly to the -- Municipal Office and subject the same to the inspection of the octroi Officer, and if imported by Railway shall give immediate intimation of the arrival of the articles at the station to the Revenue Inspector

4. Along with the articles or conveyances or packages containing such articles the importer shall produce the original invoice received by him at the Municipal Office and shall declare whether they are -

are intended,

(a) for consumption or sale within octroi limits.

(b) For immediate export.

(c) For temporary detention within octroi limits and eventual exports.

5. If the goods are declared to be -- imported for consumption or sale within -- the octroi limits the Revenue Inspector -- shall enter the details in form No. 38 -- of the Municipal account Manual

6. When goods are received by Railway the importer shall produce at the Municipal office the pass or Railway receipt of goods consigned to him to-gether with the - invoice and in the absence of the latter - with a written declaration of the details of the consignment The receipt of the - invoice or declaration shall be abstracted into the register to be kept in Form 34 -- of the account Manual. The Railway receipt shall then be stamped and returned to the importer, to enable him to obtain the --- goods from the Railway Station

When goods accompanied with invoice and - Railway receipt as aforesaid are brought - to the Municipal Office, they may be unloaded counted or measured by the Octroi - Mutsaddy under the supervision of the Revenue Inspector. Upon ascertaining the amount of Octroi duty payable on the goods the importer shall either pay the amount on the goods or have the whole or portion of them deposited in the Bonded warehouse or such other place as may be named for the

for the purpose When the duty is paid as above a receipt in Form No.32 shall be granted by the Revenue Inspector showing the details of the goods, the amount of - the duty paid in respect thereof, and the date of payment, and the importer shall - thereupon remove the goods from the Municipal Office. Provided also that in the - case of goods imported by ~~other~~ road the octroi mutsaddy may in the same manner -- receive duty not exceeding Rs.5. If the - duty to be paid on any one consignment -- exceeds Rs.5 the Revenue Inspector shall assess and recover the amount due under the superintendence of the Vice President

Subject to approval

7. In case the importer wishes to re-export the goods at once he shall do so only after obtaining a free pass in Form No 44 and subjecting the goods to the escort of an Octroi subordinate upto the Municipal limits.

8. If the importer fails to produce - the original invoice or where it is found that the value given in the invoice is - unduly low, the Vice President with the - help of one or two Municipal Councillors or respectable merchants of the Town value the goods to the best of the information available and levy the octroi accordingly

9. In special cases where Kerosine --- oil and timber imported in large quantities are received by the Railway and -- their removal to the Municipal Office - is attended with serious inconvenience --

the --

the Revenue Inspector will examine and -- assess them at the Railway station at the request of the importer under the supervision of the Vice President

10. All Officers of the Municipal Department not below the rank of Inspectors are authorised under section 76 of the -- Municipal Regulation to inspect, the contents of any conveyance or packages suspected to contain dutiable articles and - when the Inspector finds that the duty has not been paid on all the articles, or inadequately paid he is authorised to -- take them to the Municipal Office and report the fact to the Vice President. The Vice President shall thereupon examine - and assess the goods and collect the Octroi duty at the authorised rate or at his descretion collect penal rates.

11. Any person importing or exporting dutiable articles in contravention of the above bye-laws shall be liable to pay a - penal rate not exceeding ten times the -- authorised rate.

12. If the octroi duty at the authorised or penal rate, is not paid, the Revenue Inspector, shall seize and detain the full or such portion of the goods as may be sufficient to meet the demand and grant the receipt showing the details of the articles so detained and report the - same to the Vice President. The Vice President shall issue a notice to the person from whose possession the articles were -

seized -

seized, stating that the said property will be sold if the amount due is not paid within ten days.

13. If the amount due is tendered - at any time before the date of the -- sale at the Municipal Office with the - expenses, if any, the Vice President shall forthwith release the property seized.

14. If no such tender is made the property will be sold and the proceeds of such sale shall be applied in payment of the amount due, and expenses, if any incidental to seizure and detention.

The surplus if any shall be credited to the Municipal deposit and may on -- the application made to the Vice President in writing within six months ffom the date of the sale be paid to the - person in whose possession the property was when seized and if no such application is made within this time, the -- amount will be credited to the Municipal funds

15 Cloths and other dutiable articles in small quantities brought with personal luggage by travellers or received through the Post Office or Railway for bona-fide private use and not - for the purpose of sale shall be exempt from the payment of octroi duty.

16. <u>Refunds</u>

On all articles on which octroi duty has --

has been paid and which are subsequently exported beyond octroi limits refunds - shall be granted at the rates originally charged at the time of import (as per rule No.152 of the Municipal Account Manual). Provided application for the same is made within six months from the date of export.

17. Bonded ware house.

The Municipal Council shall provide a - bonded ware house for the custody of goods which may be deposited under bye-law numbe.

18. The bonded ware house shall be -- open for the transaction of business from 8.A.M., and from 3 P.M. to 6 P.M , daily except on sundays and other authorised -- holidays.

19. Any importer depositing goods in -- the bonded ware house, shall unless the - Revenue Inspector has previously by --- counting or appraising ascertained the - amount of octroi payable thereon give a declaration of the description, quantity and if necessary the value of such goods

20. A receipt in form No.45 shall be given by the Revenue Inspector or Octroi Mutsaddy for all goods deposited in the - bonded ware house and a register in form - No 46 shall be maintained by him showing the date of deposit the description of the goods deposited, the date of the removal of the goods with the export pass and the storage fees if any.

21 Any person who has deposited in the bonded --

(48

21. bonded ware house, may break bulk or change the packing thereof on application to the Revenue Inspector or may, on paying full duty. thereon take such goods into his posesssion covered by a permit or may export such goods, free covered -- by an export pass subject to the escort - of an octroi subordinate, provided that new packages covered by such pass shall if possible and before they are taken from the ware house be stamped by the Revenue Inspector so as to show that they are under bond.

If octroi is paid the permit will be issued in form No.32 in accordance with the- procedure contained in rule No.(113 of the Municipal Account Manual

If the goods are to be exported an export pass will be issued in form No 44 and the procedure contained in rule No 154 of the Municipal Account Manual will be followed.

For every export pass granted under the above rules a fee of one anna shall be -- charged.

No goods shall be allowed to leave the bonded ware house until storage fees have been paid thereon in accordance with the following rates -

1. Goods shall be allowed to remain for 24 hours free of charge.

2. After that period, the following rates shall be charged for seven days

(1) Kerosine oil per case containing two

tins

time per day . . 0-0-3

(2) Piece goods per bale, bundle, or case per day 0-0-6
or one anna per cent in the value of the goods, whichever is greater.

(3) Timber for every cubic feet per day... .,..... .. . . . . 0-0-3 .

All goods remaining uncleared or unclaimed for more than three months shall be sold provided that before selling such goods notice of the fact shall be served on the depositor or his authorised agent and shall also be posted for seven days at the bonded ware house and at the Municipal Office.

The Municipal Council shall provide - a depot for temporary detention of timber within the octroi limits and eventual export or import after payment of duty.

The above rules framed in respect of - bonded ware house shall apply mutatis -- mutandis in respect of the storage of -- timber in the said depot.

For want of accommodation or any -- other just and reasonable cause the Vice President may permit the storage of kerosine oil and timber in any suitable place other than the bonded ware house or depot provided by the Municipal Council

President.

Schedule "A"

1. Railway Station barrier.
2. Salem Bellary road (road from Bangalore).
3. Tumkur Sira Road.
4. Road from Tumkur to Maddagiri.
5. Road from Tumkur to Kunigal.
6. Road from Tumkur to Gubbi.
7. Tumkur Bellavi Road.
8. Tumkur Ooradugere Road
9. Tumkur Settihally Road.

Schedule "B".

Names of goods.	Rates at which octroi is leviable
Cloth for every 100/- value of cloth.	Re.1-9-0.
Kerosine oil per case. containing two tins or per tin.	" 0-2-0 " 0-1-0

Timber.

Teak wood one anna a cubic foot.

Jungle wood half anna per cubic foot

Ready made furniture are exempted but sawn wood and planks and all building -- materials made of the above wood will be subjected to Octroi duty at the above - rate.

President.

G R ⅍ VI-71]

SUBJECT

Section Mel
File No 52-19
Serial No. 8

Diary No of letter replied to

General and Revenue Secretariat

( )

the 191

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 19 3 20

Signed by Mr. H V Rama Swamy

Read—

Letter No Mel C 108 of 18-19 28-3-19 from the Deputy Commissioner Bangalore forwarding for sanction draft bye laws relating to (1) Sanitation (2) Octroi and (3) Buildings and other Sketches framed by the Municipal Council of Bangalore under the provisions of Section 48 of the Mysore Municipal Regulation

Order Thereon—No. R 10938/1920

The Govt are pleased to observe that the bye laws on the whole are well drafted and have extensive the bye laws relating to (1) Sanitation and (2) Octroi are approved as modified

May this be

1 Printed ?

treated as a standing order ?

published in the Gazette English Part ?

translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

the bye-laws for the buildings may be deferred until the Interim Regulations is amended ...

SV

for Ley to first

Rec'd
15 3.20

Item 13

Ld

The Sec. Surveyors Club with a request to send 5 copies of the (Interim Regulations) bye-laws for record.

WL

List of enclosures

Copied by

Examined by

[illegible] 17441—GTB—20,000—17-3-13